

Appl. No. : 10/675,917
Filed : September 29, 2003

REMARKS

The July 10, 2007 Office Action was based upon pending Claims 7-50. This Amendment amends Claims 7, 11, 12, 16, 18, 25, 32, and 45. Claims 39-44 are cancelled without prejudice or disclaimer. Claims 8-10, 13-15, 17, 19-24, 26-31, 33-38, and 46-50 remain as previously pending. Thus, after entry of this Amendment, Claims 7-38 and 46-50 are pending and presented for further consideration.

The Office Action rejects Claims 7-12, 14-21, 23-25, 29-42 and 45-50 under 35 U.S.C. § 103(a) as being unpatentable over Martinez (US 6,188,973) in view of Giorgio (US5,905,867). The Office Action also rejects Claims 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Carboneau (US 5,586,250) in view of Giorgio. Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further in view of U.S. Publication No. 2004/021088 to Vecoven ("the Vecoven reference"). In addition, the Office Action rejected Claims 13, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Giorgio and further view of U.S. Patent No. 6,188,973 to Lui ("the Lui reference").

The applicant has reviewed the Martinez, the Giorgio, the Carboneau, the Vecoven, and the Lui references. The Applicant notes that Martinez fails to teach a computer monitoring and diagnostic system that **self-manages** the temperature of the system. Martinez monitors the temperature and generates a display thereof, but does not increase the speed of the cooling fans unless the user provides input to control the computer system components, such as cooling fans. See for example column 2 lines 14-15 or 63-67 or column 3, lines 60-67.

Giorgio teaches a system for monitoring and adjusting the operation of a computer system that can be networked. However, Giorgio fails to teach all of the aspects of the Applicant's invention as claimed. For example, Giorgio fails to teach automatically powering down the system when the sensed temperature conditions exceed a warning threshold

Carboneau also fails to teach or suggest self-managing conditions of a computer. Carboneau monitors conditions of the computer and can generate and forward reports to a system supervisor, but only modifies the sensed conditions of the computer in response to a command from the user. See for example column 6 lines 26-30 or column 15 lines 4-9.

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The Applicant agrees with the Examiner's observation that Vecoven et al. teaches use of a I2C bus in a computer system, but respectfully notes that Vecoven et al. fails to teach or suggest the other aspects of the Applicant's claimed invention.

The Applicant further agrees with the Examiner's observation that Liu et al. teaches monitoring for time-out and reset events in a computer system, but respectfully notes that Liu et al. fails to teach or suggest the other aspects of the Applicant's claimed invention.

Because the references cited by the Examiner fail to disclose, teach or suggest all of the features recited by the claims of the subject application as amended by this paper, the Applicant asserts that the subject application as amended is patentable under the requirements of 35 U.S.C. § 103(a) in view of the Martinez, the Giorgio, the Carboneau, the Vecoven, and the Lui references as well as the other art of record. The Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

The Applicant again acknowledges the previous double patenting rejection and will consider submitting a terminal disclaimer if the claims are otherwise allowable with the next action, or if the claims have not otherwise been amended to overcome the double patenting rejection.

Appl. No. : 10/675,917
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CONCLUSION

No Disclaimers or Disavowals

Although the present communication includes alterations to the claims and characterizations of claim scope and referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

The claims of the present application are different and possibly broader in scope than the claims as originally filed. To the extent any prior amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicant hereby rescinds and retracts such disclaimer. Accordingly, the references previously considered in the application may need to be re-visited.

Co-Pending Applications of Assignee

Applicant wishes to draw to the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed	Status
08/942402	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM	Oct. 1, 1997	US 6,338150 Issued 1/8/02
09/911884	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM	July 23, 2001	US 6,681,342 Issued 1/20/04
11/586282	DIAGNOSTIC AND MANAGING DISTRIBUTED PROCESSOR SYSTEM	Oct. 25, 2006	Pending. Not yet examined.

Appl. No. : 10/675,917
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Applicant notes that the entire file history for each of the related applications can be obtained by the Examiner from the database maintained by the Patent Office. Applicant, however, wants to confirm that Applicant would be pleased to provide copies of the file histories or any portions thereof if requested by the Examiner.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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